

# HEARING SUMMARY FORM

## # 1011-18

**Hearing:**

December 11, 2018 11:00  
Date Time

Location: RTCC; 600 Jefferson

Attended by: Joshua Dodson 13317, Michael Williams 5702, Michael Jackson 10147, LTC D. McNeil 5603 Hearing Officer: D/C D. Crowe 1585

**Statement of Hearing Officer:**

On Tuesday, December 11, 2018 at 11:00 an Administrative Hearing for PII Joshua Dodson 13317 regarding SOC 1011-18. PII Dodson was charged with Violation of DR 301 Excessive Force/Unnecessary Force, DR 107 Courtesy, and DR 101 Compliance with Regulations; Commanding Officer Notification. See Page 2 for continuation

**Action Ordered:**

**DR 107 Courtesy- Written Reprimand**

**DR 101 Compliance with Regulations: 3 day suspension without pay (SWOP)**

**DR 301 Excessive Force/Unnecessary Force: 10 Day SWOP and Remedial Training**

O. E. Cume 1585 12-11-18

Hearing Officer

Any employee holding a position not exempted from the provisions of Article 34 Civil Service, and not in the initial probationary period, who has been suspended in excess of ten, (10) days, terminated, or demoted, may appeal to the Civil Service Commission within ten, (10) calendar days after notification in writing of such action. In the event of multiple suspensions, only that suspension which causes the total number of days suspended to exceed five, (5) days within a six month period, and any subsequent suspension within said period shall be appeal able to the Commission. If the disciplinary action is 10 days or less, the officer may submit to a grievance procedure or an internal appeal, but not to both.

In addition Chapter I Section 5 page 4 states in part: "Commissioned police officers with a status of suspension, probation, non-enforcement, relieved of duty, or leave of absence are not permitted to engage in any Secondary Employment and/or any Off Duty Security Employment where the officer's status is dependant on his/her state commissioned status. No commissioned police officer is permitted to engage in any Secondary Employment and/or Off duty Security Employment for a period of thirty (30) days after the final disposition of (1) any sustained Statement of Charges for violation of the Sick Abuse policy or (2) any sustained Statement of Charges resulting in a suspension and/or reduction in rank" Notification will be made to the Secondary Employment Office regarding this suspension. Violation of the above listed policy could result in additional charges.

Appeal:      Will   X   Will Not **Be Filed**

Grievance:      Will   X   Will Not **Be Filed**

I understand that by requesting the grievance procedure that I am waiving my right to recourse through the Internal or Civil Service Commission Appeal Process.

12/11/2018  
Date

Joshua Dodson #13317  
Employee Signature

Distribution: MPD Human Resources, Branch Commander/Division Commander, Precinct

## **SOC 1011-18 Statement of Hearing Officer Continued**

D/C Crowe asked a series of questions to PII Dodson. PII Dodson was asked about the Use of Force Continuum. All levels of the Use of Force Continuum were discussed, PII Dodson said when the suspect swatted his hand away, he punched him one time. PII Dodson said he got hyped up and cursed, then he calmed down. PII Dodson did not call a supervisor. Before the shift ended, PII Dodson completed a Response to Resistance in Blue Team. PII Dodson said the ASP Baton did not touch the suspect.

Michael Williams asked to address some of the questions. He stressed the cursing was for control; not to degrade. The Use of Force Continuum was discussed again.

At 11: 50 PII Dodson, Michael Williams, and Michael Jackson were asked to step outside the office. LTC McNeil and D/C Crowe watched the BWC evidence from PII Dodson and PII Beard. It was watched in full speed and slow motion. It was discussed at length. Policy and Procedure were discussed at length.

Based upon the evidence available and the Administrative Hearing, D/C Crowe concluded the following. PII Dodson used profanity for purposes other than to gain control of the suspect. PII Dodson's use of a closed fist to strike the suspect and his use of the ASP baton were unnecessary. PII Dodson failed to notify and lieutenant when it was required by Policy and Procedure.

At 12:15 PII Dodson, Michael Williams, and Michael Jackson were called back to the office. PII Dodson was told the following decisions were made.

<b>DR 107 Courtesy:</b>	<b>Sustained</b>
<b>DR 101 Compliance with Regulations Command Notification:</b>	<b>Sustained</b>
<b>DR 301 Excessive Force/Unnecessary Force:</b>	<b>Sustained</b>

PII Dodson's disciplinary resume was reviewed. In 2017 PII Dodson was charged with violation of DR 101 Compliance with Regulations. PII Dodson received a written reprimand. PII Dodson explained this was for turning off his BWC on the scene of a call.

The following corrective action was ordered.

<b>DR 107 Courtesy:</b>	<b>Written Reprimand</b>
<b>DR 101 Compliance with Regulations:</b>	<b>3 Day Suspension without Pay (SWOP)</b>
<b>DR 301 Excessive Force/Unnecessary Force:</b>	<b>10 Day SWOP and Remedial Use of Force Training</b>

## ADMINISTRATIVE SUMMONS

MEMPHIS POLICE DEPARTMENT  
vs.

DATE: October 22, 2018

Joshua Dodson, PII, Airways-D, 13317  
NAME, RANK, ASSIGNMENT, IBM#

I. ALLEGATION On October 2, 2018 Officer Dodson was checking a male who was walking in the middle of the street of Davant and McMillian. Officer Dodson confronted the male after he arrived on the sidewalk and struck him with a close fist while yelling profanity at him. He also put his Asp Baton in the male's mouth. Officer Dodson did not notify a supervisor while he was on the scene about the incident.

### II. RULES, REGULATIONS, OR ORDERS VIOLATED

D R 301 Excessive Force / Unnecessary Force  
D R 107 Courtesy  
D R 101 Compliance with Regulations: Commanding Officers Notifications

### III. HEARING

Date: 12/12/18 Time: 1100  
11 hours  
Place: RTCC, DC. Crowe

You are entitled to representation during this hearing.

SERVED BY: Doreen K. Shelton, Major, AWS-C, 3158  
NAME, RANK, ASSIGNMENT, IBM#

DATE: 12/7/18 TIME: 1555 hours

SERVICE REFUSED: \_\_\_\_\_

SIGNATURE OF OFFICER: Joshua Dodson #13317

YOUR ATTENDANCE AT THE HEARING NOTICED HEREIN IS REQUIRED, UNLESS EXCUSED DUE TO A MEDICAL EMERGENCY. FAILURE TO ATTEND WILL BE CONSTRUED BY THE HEARING OFFICER AS A WAIVER OF YOUR RIGHT TO BE HEARD. ATTENDANCE WILL BE EXCUSED DUE TO A MEDICAL EMERGENCY AT THE SOLE DISCRETION OF THE HEARING OFFICER AND ONLY IF YOU HAVE DELIVERED OR CAUSED TO BE DELIVERED TO THE HEARING OFFICER, PRIOR TO THE HEARING DATE, A WRITTEN STATEMENT OF MEDICAL CONDITION PREPARED AND SIGNED BY YOUR TREATING PHYSICIAN, DESCRIBING YOUR MEDICAL CONDITION AND ADVISING THAT YOU ARE NOT ABLE TO ATTEND THE HEARING AS A RESULT OF SAID CONDITION.



I acknowledge receipt of this notice and understand that further investigation may result in additional charges, amendment of the above charges, or dismissal of these charges. I further understand that a written response to these charges at this time is at my discretion unless specifically instructed to file same by the issuing officer.

*Joshua D. Jackson* # 13317  
Signature of Officer

Was officer relieved of duty?

☐ Yes ☐ No

Reviewed by:



Deputy Director



Dep. Chief



Work Station Commander

Delegated to:



Deputy Chief



Station/Bureau

Major/Lt. Colonel/Colonel

*D/C Don Crane*

Revised 3/11/08